

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
GREEN BAY DIVISION**

APPLETON PAPERS INC. and	)	
NCR CORPORATION,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 08-CV-00016-WCG
	)	
GEORGE A. WHITING PAPER COMPANY, <i>et al.</i> ,	)	
	)	
Defendants.	)	

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**STATUS REPORT REGARDING FINAL JUDGMENT**

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In the October 4, 2012 Order, the Court directed the parties to confer and file a proposed final judgment, or explain why agreement could not be reached. (Dkt. #1437 at 9.) Over the past several weeks, NCR Corporation (“NCR”) and other parties have been working in good faith to resolve the open issues. As explained briefly below, substantial progress has been made since NCR filed its request for an extension last week (*see* Dkt. #1451), and only a few open issues remain. NCR will file any remaining stipulations (or update the Court if resolution cannot be reached) as soon as possible.

**Progress on Open Issues**

1. NCR stipulated with CBC Coating, Inc. as to the amount of the judgment to be entered against NCR. (Dkt. #1450.) NCR and CBC respectfully request that the Court enter the Proposed Order filed with the Stipulation. (Dkt. #1450-1.)

2. NCR and Appleton Papers Inc. (collectively, “Plaintiffs”) and Kimberly-Clark Corp. entered a Stipulation to resolve the open issue concerning Kimberly-Clark’s counterclaims, which the Court previously dismissed without prejudice. (Dkt. #1455.) Plaintiffs and Kimberly-Clark respectfully submitted a Proposed Order (Dkt. #1455-1), which is subject to certain terms in the Stipulation.

3. Plaintiffs and Brown County entered a Stipulation to resolve the open issue concerning Plaintiffs’ claims against Brown County, which are still pending. (Dkt. #1453.) Plaintiffs and Brown County respectfully submitted a Proposed Order (Dkt. #1453-1), which is subject to certain terms in the Stipulation.

4. Plaintiffs and the City of Green Bay entered a Stipulation to resolve the open issues concerning Plaintiffs’ claims against the City of Green Bay and the City of Green Bay’s counterclaims against Plaintiffs, all of which are still pending. (Dkt. #1454.) Plaintiffs and the City of Green Bay respectfully submitted a Proposed Order (Dkt. #1454-1), which is subject to certain terms in the Stipulation.

5. Plaintiffs and certain *De Minimis* Defendants entered a Stipulation to resolve the open issues concerning the *De Minimis* Defendants’ counterclaims, which are either pending or were dismissed without prejudice. (Dkt. #1457.) Plaintiffs and the certain *De Minimis* Defendants respectfully request that the Court enter the Proposed Order filed with the Stipulation. (Dkt. #1457-1.)

6. NCR and WTM I Company entered a Stipulation to resolve the open issue concerning the amount of WTM’s judgment, including the amount of the insurance/indemnity offset. (Dkt. #1456.) As noted, the Stipulation “is contingent upon Bankruptcy Court approval and shall be binding and effective only (a) upon a final decision by

the Bankruptcy Court approving it (the “Bankruptcy Court Approval Order”) and (b) if the Bankruptcy Court Approval Order is entered over an objection, after the expiration of the appeal period for the Bankruptcy Court Approval Order. Once these conditions have been satisfied, NCR and WTM shall respectfully submit a Proposed Order reflecting this Stipulation for the Court’s approval”. (*Id.* at 3.) Final judgment cannot be entered in this action until this approval has been obtained.

7. NCR has been negotiating with Glatfelter as to insurance offset issues. Those discussions are ongoing.

8. Counsel for Plaintiffs and Menasha have tentatively agreed to a Stipulation to resolve the open issue concerning Menasha’s counterclaim for past costs, which was dismissed without prejudice. The parties are awaiting final client approval and will file the Stipulation, along with a Proposed Order, as soon as that approval has been obtained.

Dated: October 29, 2012

Respectfully submitted,

NCR CORPORATION

/s/ Darin P. McAtee

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